

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED AMENDMENT
ARM 12.11.3215 regarding) NO PUBLIC HEARING
recreational water use on Holter Lake) CONTEMPLATED

TO: All Concerned Persons

1. On March 25, 2010, the Fish, Wildlife and Parks Commission (commission) proposes to amend the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, please contact the commission no later than December 11, 2009, to advise us of the nature of the accommodation that you need. Please contact Stella Cureton, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; fax (406) 444-7456; e-mail scureton@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

12.11.3215 HOLTER LAKE (1) Holter Lake is located in Lewis and Clark County.

(2) Holter Lake is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), in the following areas:

(a) Gates of Mountains marina on (Upper Holter Lake) within 300 feet of docks or as buoyed;

(b) Bureau of Land Management boat landing on Holter Lake as buoyed;

(c) Juniper Bay;

(d) Log Gulch;

(e) Departure Point;

(f) Merriweather Camp; and

(g) Holter Lake lodge docks.

(3) Holter Lake is closed ~~to water skiing~~ on Saturday and Sunday of each week and on all legal holidays from the mouth of the canyon on upper Holter Lake to the Gates of the Mountains near Mann Gulch, as marked, to:

(a) water skiing, tubing, or any similar activity in which a vessel is towing a person; and

(b) wake surfing or any similar activity in which a person is riding the wake of a vessel.

AUTH: 23-1-106, 87-1-303, MCA

IMP: 23-1-106, 87-1-303, MCA

REASONABLE NECESSITY: The commission prohibited water skiing on Saturday and Sunday of each week and legal holidays from the mouth of the canyon on upper Holter Lake to the Gates of the Mountains near Mann Gulch as a safety precaution because of the narrowness of the canyon and high density of boat traffic through the canyon at these times. The commission is proposing amending the rule to include all activities involving a motorboat or vessel towing a person, including tubes and other water borne activities that have become popular since the adoption of the rule.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Ron Jendro, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; fax (406) 444-7894; or e-mail rjendro@mt.gov, and must be received no later than December 24, 2009.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Jessica Fitzpatrick at the above address. A written request for a hearing must be received no later than December 24, 2009.

6. If the commission receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be greater than 25 people based on the fact that every Montana citizen has access to Holter Lake.

7. The Department of Fish, Wildlife and Parks maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the commission or department. Persons who wish to have their name added to the list shall make written request, which includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the commission or department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Dan Vermillion

Dan Vermillion, Vice-Chairman
Fish, Wildlife and Parks Commission

/s/ William A. Schenk

William A. Schenk
Rule Reviewer

Certified to the Secretary of State November 16, 2009.